

House Engrossed Senate Bill

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 190

SENATE BILL 1058

AN ACT

AMENDING SECTION 13-2008, ARIZONA REVISED STATUTES; RENUMBERING SECTION 13-2009, ARIZONA REVISED STATUTES, AS SECTION 13-2011; AMENDING TITLE 13, CHAPTER 20, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 13-2009 AND SECTION 13-2010; RELATING TO IDENTITY THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2008, Arizona Revised Statutes, is amended to
3 read:

4 13-2008. Taking identity of another person or entity;
5 classification

6 A. A person commits taking the identity of another person or entity if
7 the person knowingly takes, purchases, manufactures, records, POSSESSES OR
8 ~~uses, sells, transfers or transmits~~ any personal identifying information or
9 entity identifying information of another person or entity, including a real
10 or fictitious person or entity, without the consent of that other person or
11 entity, with the intent to obtain, OR ~~use, sell or transfer~~ the other
12 person's or entity's identity for any unlawful purpose or to cause loss to a
13 person or entity whether or not the person or entity actually suffers any
14 economic loss as a result of the offense.

15 B. On the request of a person or entity, a peace officer in any
16 jurisdiction in which an element of the offense is committed, a result of the
17 offense occurs or the person or entity whose identity is taken resides or is
18 located shall take a report. The peace officer may provide a copy of the
19 report to any other law enforcement agency that is located in a jurisdiction
20 in which a violation of this section occurred.

21 C. If a defendant is alleged to have committed multiple violations of
22 this section within the same county, the prosecutor may file a complaint
23 charging all of the violations and any related charges under other sections
24 that have not been previously filed in any precinct in which a violation is
25 alleged to have occurred. If a defendant is alleged to have committed
26 multiple violations of this section within the state, the prosecutor may file
27 a complaint charging all of the violations and any related charges under
28 other sections that have not been previously filed in any county in which a
29 violation is alleged to have occurred.

30 D. THIS SECTION DOES NOT APPLY TO A VIOLATION OF SECTION 4-241 BY A
31 PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

32 ~~D.~~ E. Taking the identity of another person OR ENTITY is a class 4
33 felony.

34 Sec. 2. Renumber

35 Section 13-2009, Arizona Revised Statutes, is renumbered as section
36 13-2011.

37 Sec. 3. Title 13, chapter 20, Arizona Revised Statutes, is amended by
38 adding a new section 13-2009 and section 13-2010, to read:

39 13-2009. Aggravated taking identity of another person or
40 entity; classification

41 A. A PERSON COMMITS AGGRAVATED TAKING THE IDENTITY OF ANOTHER PERSON
42 OR ENTITY IF THE PERSON KNOWINGLY TAKES, PURCHASES, MANUFACTURES, RECORDS,
43 POSSESSES OR USES ANY PERSONAL IDENTIFYING INFORMATION OR ENTITY IDENTIFYING
44 INFORMATION OF EITHER:

1 1. FIVE OR MORE OTHER PERSONS OR ENTITIES, INCLUDING REAL OR
2 FICTITIOUS PERSONS OR ENTITIES, WITHOUT THE CONSENT OF THE OTHER PERSONS OR
3 ENTITIES, WITH THE INTENT TO OBTAIN OR USE THE OTHER PERSONS' OR ENTITIES'
4 IDENTITIES FOR ANY UNLAWFUL PURPOSE OR TO CAUSE LOSS TO THE PERSONS OR
5 ENTITIES WHETHER OR NOT THE PERSONS OR ENTITIES ACTUALLY SUFFER ANY ECONOMIC
6 LOSS.

7 2. ANOTHER PERSON OR ENTITY, INCLUDING A REAL OR FICTITIOUS PERSON OR
8 ENTITY, WITHOUT THE CONSENT OF THAT OTHER PERSON OR ENTITY, WITH THE INTENT
9 TO OBTAIN OR USE THE OTHER PERSON'S OR ENTITY'S IDENTITY FOR ANY UNLAWFUL
10 PURPOSE AND CAUSES ANOTHER PERSON OR ENTITY TO SUFFER AN ECONOMIC LOSS OF
11 THREE THOUSAND DOLLARS OR MORE.

12 B. IN AN ACTION FOR AGGRAVATED TAKING THE IDENTITY OF ANOTHER PERSON
13 OR ENTITY UNDER SUBSECTION A, PARAGRAPH 1 OF THIS SECTION, PROOF OF
14 POSSESSION OUT OF THE REGULAR COURSE OF BUSINESS OF THE PERSONAL IDENTIFYING
15 INFORMATION OR ENTITY IDENTIFYING INFORMATION OF FIVE OR MORE OTHER PERSONS
16 OR ENTITIES MAY GIVE RISE TO AN INFERENCE THAT THE PERSONAL IDENTIFYING
17 INFORMATION OR ENTITY IDENTIFYING INFORMATION OF THE FIVE OR MORE OTHER
18 PERSONS OR ENTITIES WAS POSSESSED FOR AN UNLAWFUL PURPOSE.

19 C. THIS SECTION DOES NOT APPLY TO A VIOLATION OF SECTION 4-241 BY A
20 PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

21 D. AGGRAVATED TAKING THE IDENTITY OF ANOTHER PERSON OR ENTITY IS A
22 CLASS 3 FELONY.

23 13-2010. Trafficking in the identity of another person or
24 entity; classification

25 A. A PERSON COMMITS TRAFFICKING IN THE IDENTITY OF ANOTHER PERSON OR
26 ENTITY IF THE PERSON KNOWINGLY SELLS, TRANSFERS OR TRANSMITS ANY PERSONAL
27 IDENTIFYING INFORMATION OR ENTITY IDENTIFYING INFORMATION OF ANOTHER PERSON
28 OR ENTITY, INCLUDING A REAL OR FICTITIOUS PERSON OR ENTITY, WITHOUT THE
29 CONSENT OF THE OTHER PERSON OR ENTITY FOR ANY UNLAWFUL PURPOSE OR TO CAUSE
30 LOSS TO THE PERSON OR ENTITY WHETHER OR NOT THE OTHER PERSON OR ENTITY
31 ACTUALLY SUFFERS ANY ECONOMIC LOSS.

32 B. THIS SECTION DOES NOT APPLY TO A VIOLATION OF SECTION 4-241 BY A
33 PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

34 C. TRAFFICKING IN THE IDENTITY OF ANOTHER PERSON OR ENTITY IS A
35 CLASS 2 FELONY.

APPROVED BY THE GOVERNOR APRIL 25, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.

Passed the House April 11, 20 05,

by the following vote: 50 Ayes,

8 Nays, 2 Not Voting

[Signature]
Speaker of the House

Norman L. Fyore
Chief Clerk of the House

Passed the Senate March 15, 20 05,
(ON RECONSIDERATION)

by the following vote: 25 Ayes,

5 Nays, _____ Not Voting

[Signature]
President of the Senate

Chamion Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1058

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 18, 2005,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Klu Bennett
President of the Senate
Chamion Bullington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 8:05 o'clock a M.

Wendell G. Pharr
Secretary to the Governor

Approved this 25 day of

April, 2005,

at 9th o'clock 11 M.

J. T. Apple
Governor of Arizona

S.B. 1058

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2005,

at 4:33 o'clock P M.

Janice K. Brewer
Secretary of State